

**P O R T E R | S C O T T**

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Attorneys for Defendants

COUNTY OF SACRAMENTO; FORMER SACRAMENTO COUNTY SHERIFF SCOTT R. JONES;

ANTHONY PAONESSA; and VEER BABU, M.D.,

*Exempt from Filing Fees Pursuant to Government Code § 6103*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY GALLEY, Deceased, by and  
through his Co-Successors in Interest, P.P.  
and B.P., minors, through their mother and  
Next Friend, Christina O'Neil, Individually  
and as Co-Successors in Interest for  
ANTHONY GALLEY, Deceased,

Plaintiffs,

v.

COUNTY OF SACRAMENTO, a public  
entity; FORMER SACRAMENTO  
COUNTY SHERIFF SCOTT R. JONES, in  
his individual capacity; Jail Commander  
ANTHONY PAONESSA, Jail Medical  
Director VEER BABU, M.D., MAXIM  
HEALTHCARE SERVICES, INC. dba  
MAXIM STAFFING SOLUTIONS, a  
Maryland Corporation; MAXIM  
HEALTHCARE STAFFING SERVICES,  
INC., a Maryland Corporation; ERICA  
WOODS, R.N., and DOES 1–20;  
individually, jointly, and severally,

Defendants.

CASE NO. 2:23-cv-00325-WBS-AC

**STIPULATION TO MODIFY BRIEFING  
SCHEDULE TO COUNTY DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT**

FAC: 04/21/23

Complaint Filed: 02/23/2023

Pursuant to Eastern District Local Rule 144, Plaintiffs ANTHONY GALLEY, Deceased, by and through his Co-Successors in Interest, P.P. and B.P., minors, through their mother and Next Friend, Christina O'Neil, Individually and as Co-Successors in Interest for ANTHONY GALLEY, Deceased ("Plaintiffs"), and Defendants COUNTY OF SACRAMENTO; FORMER SACRAMENTO COUNTY SHERIFF SCOTT R. JONES; ANTHONY PAONESSA; and VEER BABU, M.D. ("County Defendants") (collectively "the Parties") stipulate to an extension of time for Plaintiff to respond to Defendants' Motion to Dismiss the First Amended Complaint. (ECF 23)

Whereas, on May 5, 2023 Defendants' filed a Motion to Dismiss Plaintiffs' First Amended Complaint (ECF 23) with a hearing date set for July 10, 2023 at 1:30 p.m.;

Whereas, counsel for Plaintiffs request 30 days of additional time to file an Opposition to Defendants' Motion to Dismiss due to a death in Plaintiffs counsel's family requiring Plaintiffs' counsel to be out-of-state for much of the week of May 15, 2023, and Plaintiff's counsel are also preparing for trial in a civil rights wrongful death case before Judge Mendez on June 26, 2023 (*Johnson v. California Forensic Medical Group, et al.* No. 2:19-cv-01722-JAM-DB);

Whereas, Defendants MAXIM HEALTHCARE SERVICES, INC. dba MAXIM STAFFING SOLUTIONS, a Maryland Corporation, MAXIM HEALTHCARE STAFFING SERVICES, INC., a Maryland Corporation, were recently added as defendants in the First Amended Complaint, and along with former MAXIM employee ERICA WOODS, R.N., these medical defendants have not yet answered or otherwise responded to the First Amended complaint, and these Defendants may also decide to file a motion to dismiss;

Whereas, counsel for County Defendants' request 4 additional days to file a Reply to Defendants' Motion to Dismiss; and

Whereas, the parties have a scheduling conference set with the Court on July 17, 2023 at 1:30 p.m.

IT IS HEREBY STIPULATED and agreed by and between Plaintiffs ANTHONY GALLEY, Deceased, by and through his Co-Successors in Interest, P.P. and B.P., minors, through their mother and Next Friend, Christina O'Neil, Individually and as Co-Successors in Interest for ANTHONY GALLEY, Deceased, and Defendants COUNTY OF SACRAMENTO; FORMER SACRAMENTO COUNTY SHERIFF SCOTT R. JONES; ANTHONY PAONESSA; and VEER BABU, M.D., by and through their

1 respective undersigned counsel that pursuant to Local Rule 144(a):

- 2 1. Plaintiffs' shall have until June 16, 2023 to file any Opposition to Defendants' Motion to
- 3 Dismiss the First Amended Complaint;
- 4 2. Defendants' shall have until June 30, 2023 to file any Reply to Defendants' Motion to Dismiss
- 5 the First Amended Complaint;
- 6 3. The parties wish to keep to current Motion to Dismiss hearing date set for July 10, 2023 at 1:30
- 7 p.m.; and
- 8 4. The parties request the Scheduling Conference currently set for July 17, 2023 be continued for
- 9 at least 30 days for the next available Scheduling Conference hearing date so that the parties
- 10 Rule 26(f) Joint Scheduling Report shall reflect the current procedural state of the case.
- 11
- 12

13 Dated: May 11, 2023

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14  
15 By /s/John R. Whitefleet

16 John R. Whitefleet  
17 Matthew W. Gross  
18 Attorneys for Defendants

19 Dated: May 11, 2023

HADDAD & SHERWIN LLP

20  
21 By /s/Michael Haddad (Authorized on 5/10/23)

22 Michael J. Haddad  
23 Julia Sherwin  
24 Teresa Allen  
25 Brian Hawkinson  
26 Attorneys for Plaintiffs  
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**ORDER**

It shall be ordered that

1. Plaintiffs' shall have until June 16, 2023 to file any Opposition to Defendants' Motion to Dismiss the First Amended Complaint;
2. Defendants' shall have until June 30, 2023 to file any Reply to Defendants' Motion to Dismiss the First Amended Complaint;
3. The Motion to Dismiss hearing date set for July 10, 2023 at 1:30 p.m. remains set on calendar; and
4. The Scheduling Conference currently set for July 17, 2023 shall be continued to **August 28, 2023 at 1:30 p.m.** A joint status report shall be filed no later than **August 14, 2023** in accordance with the Court's Order Re: Status (Pretrial Scheduling) Conference filed February 23, 2023 (Docket No. 3).

**IT IS SO ORDERED**

Dated: May 11, 2023

  
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MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE  
for WILLIAM B. SHUBB  
SENIOR UNITED STATES DISTRICT JUDGE